\* BEFORE THE PETITION FOR RESIDENTIAL ZONING VARIANCE \* ZONING COMMISSIONER N/S Rockwell Ave., 25 ft. W of c/l of Bathurst Road \* OF BALTIMORE COUNTY 2413 Rockwell Avenue 1st Election District \* Case No. 91-96-A 1st Councilmanic District Dominic V. Clarke, et ux Petitioners \* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground swimming pool) in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 2413 Rockwell Avenue, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit an accessory structure (above ground swimming pool) in the side yard in lieu of the required rear yard.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

AFFIDAVIT
IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at \_\_\_\_\_ 2413 Rockwell Ave., Baltimore, MD 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate bardship or practical difficulty) Back yard not deep enough to

accommodate pool.

DOMINIC V. CLARKE
AFFIANT (Printed Name)

Mouu Sa E- Clarke
AFFTANT (Hendwritten Signature) MONIKA E. CLARKE
APPLANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 30 day of august 19 0 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DOMINIC V CLARKE, MONIKAE CLARKE the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITHESS my hand and Notarial Seal.

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

IT IS ORDERED by the Zoning Commissioner for Baltimore Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (above ground swimming pool) in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED.

Zoning Commissioner

Beginning on the north side of Rockwell Avenue, 50 feet wide, at the distance of 25 feet west of the contectine of Bathhurst Road. Being lots recorded by deed not part of a recorded subdivision. Also Known as 2413 Rockwell Avenue containing

.399 acres in the 1st Election District

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

October 17, 1990



Mr. and Mrs. Dominic V. Clarke 2413 Rockwell Avenue Baltimore, Maryland 21228

> RE: Petition for Residential Zoning Variance Case No. 91-96-A

Dear Mr. and Mrs. Clarke:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

PUBLIC HEARING FEES

	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland	91-96-A
	**************************************	•
<del></del>	, 1 Date of Post	ing Sestember

Posted for Residential Variance Petitioner: Dominic V. Clarke, et up Location of property: N/5 Rockwell, arenue 25' Was c/4 of Bathurst. Road 2413 Rockwell, arenue Location of Signe In front of 2413 Rockwell arenue

 ·
 Date of return: September 21, 1990

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY;

Contract Purchaser:

City/State/Zip Code

Attorney for Petitioners

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in 400.1 of the Baltimore County Loning Regulations to

permit an accessory structure (above graind pool swimming pool ) in the side yard in lieu of the required rear yard of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

Back yard not deep enought to accommodate MAP SWZH

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, lifting of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are theplegal & owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Mari Sa E. Clarke

2413 ROCKWell Ane. (301)744-9194

Daltimore, HD 21227
City/State/Zip Code Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Dominic V. Clarke 2413 Rockwell 14 wo. (301) 744-9194

9/20/40-5099 ORDER RECEIVED FOR FILMING COUNTY

Baltimore County Zoning Commissione Office of Planning & Zoning (301) 887-3353

Mr. & Mrs. Dominic V. Clarke 2413 Rockwell Avenue Baltimore, Maryland 21228

LOCATION: N/S Rockwell Avenue, 25 ft. W c/l of Bathurst Road

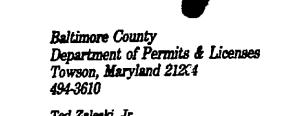
Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 26, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is October 11, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

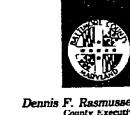
> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

G. G. Stephens · (301) 887-3391





PERMIT #
DISTRICT OI PREC. U9
LOCATION 2413 ROCKWELL AVE.
BALTIMORE, MP. 21228



Reference is made to the swimming pool which you propose to construct at the subject location; please be advised as follows:

1. The pool must be emptied by a sprinkler system or other methods at such a rate as to prevent the nuisance and/or water damage to the adjacent properties, whether by a sprinkler system or other methods.

2. In the event the backwash water from the filtering system is to be discharged into a storm drain system and a diatomaceous earth filter is used, a settling tank must be provided. If a storm drain system is to be used for the backwash water, please consult Public Services.

3. Care should be exercised in any regrading of the pool site area to provide for the adequate disposal of surface drainage. The finished construction must meet existing property line grades. The correction of any problem resulting from improper grading is the full responsibility of the property

4. No construction is allowed in any County-owned easement, and/or any regracing allowed within the aforementioned area.

5. Pool cannot be placed within 10' of any overhead wires (NEC 680-8).

6. Pool must be protected by 48" fence with no openings larger than 6".

This letter must be signed by the owner in fee and filed with the building application. Any other signature is not acceptable and will nullify the

Respectfully,

Douglas A. Swam

Processing Supervisor

Signature of Owner in Fee

PETITIONER'S EXHIBIT #

CASE NUMBER: 91-96-A



View

Side Yard

Back Yard View



This Deed, MADE THIS ZY day of Feb:

in the year one thousand nine hundred and seventy eight by and between the property of William H. Lilley, deceased

of Baltimore County, State of Maryland
/
DOMINIC V. CLARKE and MONIKA E. CLARKE, his wife,

of the second part.

of the first part, and

does grant and convey to the said Dominic V. Clarke and Monika E. Clarke, his wife, as tenants by the entireties, the survivor of them, the heirs,

personal representatives, recommends and assigns of said survivor , in ice simple, all those lots of ground situate in First Election District, Baltimore County, State of Maryland, and described as follows, that is to say:

FIRST PARCET.

G for the same at an iron pipe on the North side of Rockwell Avenue said point of beginning being at the end of the 9th or North 68 degrees West 9 perches line of a deed dated August 5, 1904 and recorded among the Land Records of Baltimore County in Liber WPC 278, folio 345 from Herman L. Piel and Caroline E. Piel, his wife, to said Jennie C. Harris and running thence along the Northern edge of said Rockwell Avenue and along part of the 10th line of the last mentioned deed with an allowance of 1 1/2 degrees to correct the variation

(1) North 73 degrees 6 minutes West 60 feet to an iron pipe planted at the eastern edge of a proposed 40 foot avenue now laid out thence leaving said Rockwell Avenue and running along the eastern edge of said proposed avenue

(2) North 17 degrees 53 minutes East 200 feet to an iron pipe thence running at right angles to the said last mentioned line

(3) South 73 degrees 6 minutes East 100 feet to an iron pipe thence running at right angles to said last mentioned line

(4) South 17 degrees 53 minutes West 203 feet 1 inch to an iron pipe planted at the end of 108 foot 5 inch line on and in the aforesaid 9th line of the deed from Herman L. Piel and wife to Jennie C. Harris thence running along the remainder of the said 9th line and still along the northern edge of said Rockwell Avenue

(5) North 68 degrees 41 minutes West 40 feet 1 inch to an iron pipe at the place of beginning.

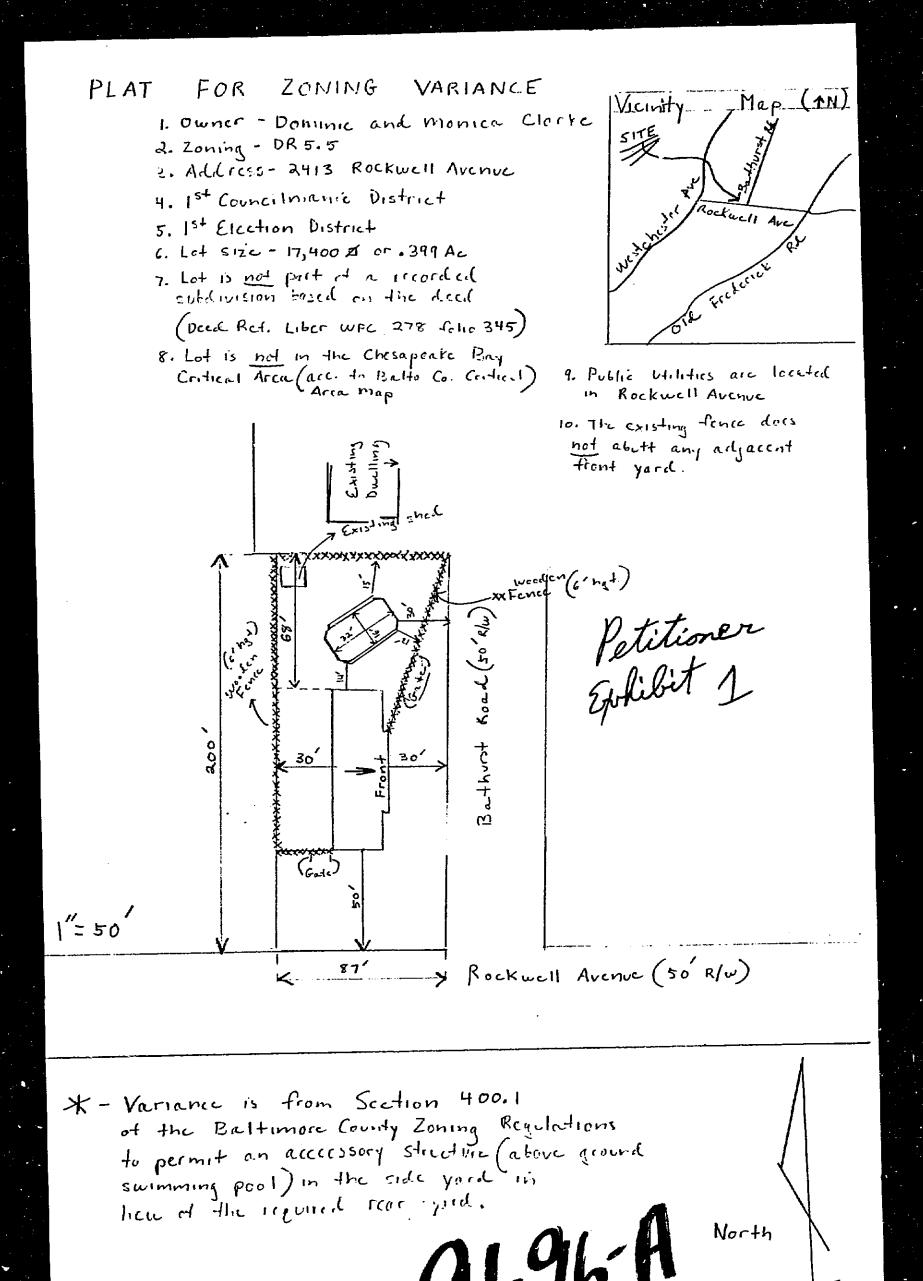
SAVE AND EXCEPT that parcel which by Deed dated March 17, 1966 and recorded among the Land Records of Baltimore County in Liber No. 4594, folio 35, etc., was granted

(continued) 225.00 % #9

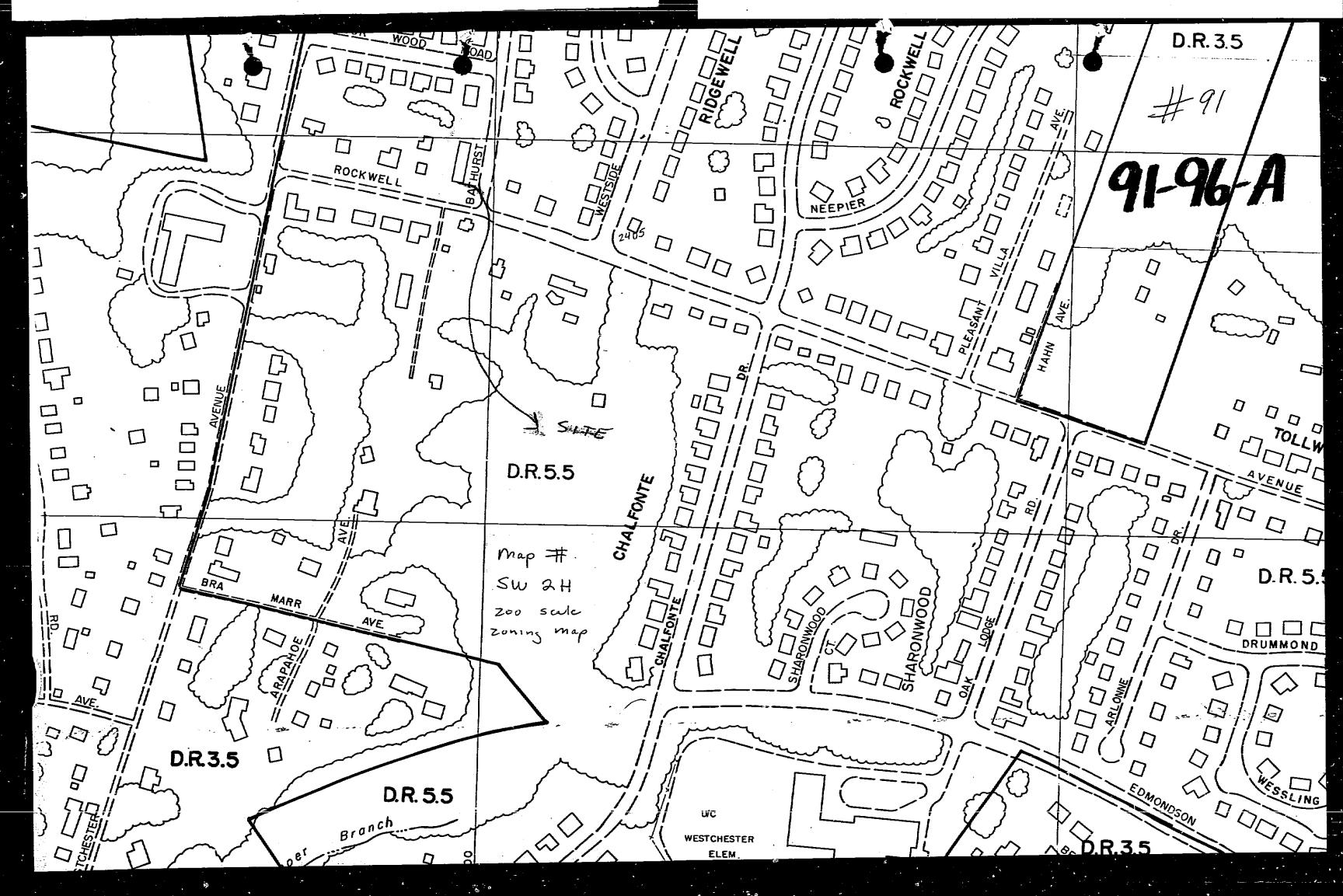
PETITIONER'S EXHIBIT # 4 CASE NUMBER: 91-96-A



Back Jarol View



Side Yard View



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